

## **REMARKS**

Reconsideration of the above-identified Application is respectfully requested. Claims 1-28 are in the case. All claims were rejected. Claims 1, 10, 16, 22 and 27 were amended.

Regarding the rejection of Claims 22-23 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter, Claim 22 has been amended for reasons not relating to 35 U.S.C. § 101, which amendments have rendered this rejection moot. Those reasons are simply improved clarity in the claim. Applicants also object to this rejection as not providing Applicants with adequate notice of the grounds for this rejection. In this regard, Applicants note that an apparent printing malfunction occurred re Page 2 of the above-identified Office Action, and that “result.” was hand written in an otherwise blurred part of text. Unfortunately, the resulting sentence is not comprehensible, being: “For instance, ‘responds with a negative acknowledgment (NAK)’ does not concrete, useful, and tangible result.” Applicants therefore request that this rejection be withdrawn for its lack of clarity. Alternatively, regardless of what was intended to be set forth at that point of the Office Action, it is respectfully submitted that Claim 22 as presently constituted clearly meets the requirements of 35 U.S.C. § 101, and therefore it is alternatively respectfully requested that this rejection be withdrawn for that reason.

Regarding the rejection of Claims 10 and 27 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, these claims have been amended to overcome the rejection, by the canceling of the word “about” in all of its occurrences in these claims. It is noted that some lack of exactness must intrinsically remain, as the use of a time duration cannot logically be meant to require Cesium clock precision in all instances. Real world embodiments of inventions are subject to real world parameter tolerances. Therefore, in light of these amendments, it is respectfully submitted that these claims are clear, and it is respectfully requested that this rejection be reconsidered and withdrawn.

Regarding the rejection of Claims 22-28 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, Claim 22 has been amended to overcome the rejection. Applicants respectfully submit that as so amended Claim 22 is clear and definite, and therefore Claim 23, which depends from Claim 22, is also clear and definite. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 1, 7, 11-16 and 18-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by Larky et al., this rejection is respectfully traversed. Exemplary, independent Claim 1 recites, in pertinent part, “downloading data from the data source for a predetermined time period based on the request signal.” It was alleged as a ground in this rejection that this limitation is taught in Larky et al. at col. 6, lines 46-48 thereof. However, this part of Larky et al. merely teaches retrieving bulk data from the device, by the host. Clearly, in Claim 1 the steps are performed by the device, not the host, as it explicitly recites “A method for a device to download data from a data source...” Accordingly, this important limitation in Claim 1 is absent from Larky et al., and it is respectfully submitted that Claim 1, as originally filed, is therefore neither shown nor suggested by Larky et al. Nonetheless, to make this even clearer, Claim 1 has been amended so that the preamble now recites “A method ... comprising the following steps performed by the device”.

Note that the absence of teaching in Larky et al. of this teaching is not surprising, as Larky et al. addresses a different problem than that solved by the invention as set forth in Claim 1. The problem solved by the invention as set forth in Claim 1 is the problem of a device connected to a host via a USB connection getting data, for example firmware, from a data source after power up, even though the USB 2.0 spec limits the time after power up to required signal connect to 100 ms. Claim 1 recites a method to solve this in which a device responds to a request signal from a host with a NAK to intentionally postpone a response to the request signal, and then downloads data from the data source for a predetermined time period based on the request signal. By

contrast, Larky et al. is concerned with communicating bulk data from the device to the host, and their proposed solution involves just that--communicating bulk data from the device to the host, NOT the device getting data from a data source.

Independent Claim 16 recites "A method for a Universal Serial Bus (USB) device to download firmware ..." and likewise recites, in pertinent part, "downloading data blocks associated with the firmware from a data source". Thus, an argument similar to that made in connection with Claim 1 can be made with respect to Claim 16, and therefore it is respectfully submitted that Claim 16 as originally filed, is neither shown nor suggested by Larky et al. Nonetheless, to make this even clearer, Claim 16 has also been amended so that the preamble now recites "A method ... comprising the following steps performed by the device".

The other art of record is even less relevant.

It is therefore respectfully submitted that for the above reasons Claim 1 and Claim 16 are allowable over Larky et al., and, indeed, all of the art of record whether considered individually or in any combination. Claims 7 and 11-15 depend, either directly or indirectly, from Claim 1, and Claims 18-21 depend, either directly or indirectly, from Claim 16, and so these claims are allowable as well for the same reasons, as well as for the additional limitations found therein. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 2, 3 and 22-28 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Larky et al. in view of Novel et al., this rejection is respectfully traversed in part, with Claim 22 having been amended herein, which amendments clearly render it allowable.

Regarding Claims 2 and 3, these claims both depend, either directly or indirectly, from Claim 1. The reasons for the allowability of Claim 1 over Larky et al. are set forth hereinabove. The patent to Novel et al. fails to cure the deficiencies of Larky et al., having been cited merely to show a data source comprising non-volatile memory. Therefore, Claim 1 is neither shown nor

suggested by Larky et al., nor by Novel et al. nor, indeed, by any of the art of record, whether considered individually or in any combination, and so is allowable for the reasons set forth hereinabove. Claims 2 and 3 depend, either directly or indirectly, from Claim 1, and so these claims are allowable as well for the same reasons, as well as for the additional limitations found therein.

Regarding Claims 22-28, independent Claim 22 recites a USB compatible device. As presently constituted, Claim 22 recites, in pertinent part, “an instruction memory storing instructions for execution by the MCU upon reset, the execution of the instructions controlling the device to respond with a negative acknowledgement (NAK) in response to a request signal from a host controller, to download the firmware for use by the MCU for a period of time after responding with the NAK....” Thus, an argument similar to that made in connection with Claims 1, 2 and 3 can be made with respect to Claim 22. The other art of record is even less relevant. Therefore, for the above reasons, it is respectfully submitted that Claim 22 as presently constituted, is neither shown nor suggested by Larky et al., nor by Novel et al., nor, indeed, by any of the art of record, whether considered individually or in any combination, and so is allowable for the reasons set forth hereinabove. Claims 23-28 depend, either directly or indirectly, from Claim 22, and so these claims are allowable as well for the same reasons, as well as for the additional limitations found therein.

Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 4 and 5 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Larky et al. in view of Novel et al. and in view of Chea, Jr. et al., this rejection is respectfully traversed. Claims 4 and 5 depend indirectly from Claim 1. The reasons for the allowability of Claim 1 over Larky et al. in view of Novel et al. are set forth hereinabove. The patent to Chea, Jr. et al. fails to cure the deficiencies of Larky et al. and Novel et al., having been cited merely to show checking a signature before an enable signature is generated. Therefore, Claim 1 is neither shown nor suggested by Larky et al., nor by Novel

et al., nor by Chea, Jr. et al., nor, indeed, by any of the art of record, whether considered individually or in any combination, and so is allowable for the reasons set forth hereinabove. Claims 4 and 5 depend indirectly from Claim 1, and so these claims are allowable as well for the same reasons, as well as for the additional limitations found therein. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 6, 8-10 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Larky et al. in view of Kurihara et al., this rejection is respectfully traversed. Claims 6 and 8-10 depend, either directly or indirectly, from Claim 1, while Claim 17 depends from Claim 16. The reasons for the allowability of Claims 1 and 16 over Larky et al. are set forth hereinabove. The patent to Kurihara et al. fails to cure the deficiencies of Larky et al. and Novel et al., having been cited merely to show setting a pointer for tracking data. Therefore, Claims 1 and 16 are neither shown nor suggested by Larky et al., nor by Kurihara et al., nor, indeed, by any of the art of record, whether considered individually or in any combination, and so are allowable for the reasons set forth hereinabove. Claims 6 and 8-10 depend indirectly from Claim 1, while Claim 17 depends from Claim 16, and so these claims are allowable as well for the same reasons, as well as for the additional limitations found therein. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

It is respectfully submitted that the claims recite the patentably distinguishing features of the invention and that, taken together with the above remarks, the present application is now in proper form for allowance. Reconsideration of the application, as amended, and allowance of the claims are requested at an early date.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, the Applicants petition for an Extension of Time under 37 C.F.R. §1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees to the Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Respectfully submitted,

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